THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5365 of 2006

DATED: 18-03-2006

Between:

Naseha Sultana,

W/o.SyedMasiuddin Ashfaq …Petitioner

and

Municipal Corporation of Hyderabad

Rep. by its Commissioner,

Hyderabad … Respondent

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5365 of 2006

ORDER:

Petitioner filed the present writ petition questioning the letter of the respondent dated 10-03-2006 calling upon the petitioner to attend the meeting along with other property owners on 13-03-2006 at 6.00p.m. in the Chambers of the AC (plg) MCH, Head Office, Tank Bund as null and void.

It is the case of the petitioner that he is the absolute owner and possessor of the house bearing Municipal No.3-6-142/2 admeasuring 59 square yards situated at Himayatnagar, Hyderabad having purchased the same by registered sale deed

dated 20-01-1976. It is stated that the respondent has issued a letter dated 10-03-2006 calling upon the petitioner to attend the meeting along with other property owners on 13-03-2006 at 6.00p.m. for the purpose of widening the existing road to the width of 100 feet road. It is the case of the petitioner that her property is not required for widening of the road and it is further stated that the property of the petitioner has not fallen within the road widening ear marked area. However, it is the case of the petitioner that the respondents cannot take away the property of the petitioner in the absence of her agreement and without initiating any land acquisition proceedings.

In that view of the matter, I am of the opinion that the impugned notice is only calling upon the petitioner to attend the meeting which has already over on 13-03-2006 and if the petitioner is not inclined to agree for payment of compensation as per Section 146 of the Municipal Corporation Act (for short 'the Act'), or for such widening of the road by consent, it is always open for the respondents to initiate Land Acquisition Proceedings as per Section 147 of the Act. But I do not see any justification on the part of the petitioner to rush before this court by filing the writ petition questioning the notice alone, which was issued calling upon the petitioner to attend the meeting.

Writ petition is accordingly disposed of with the above said observation. No order as to costs.

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V. ESWARAIAH, J.

Dated: 18-03-2006

Note:

Issue C.C. by tomorrow.

(B/O)

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